

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

CI 20,794

Ward Three (3)

In re: In re: 3133 Connecticut Avenue, N.W., Unit 829

KLINGLE CORPORATION

Housing Providers/Appellants/Cross-Appellee

v.

TENANTS OF 3133 CONNECTICUT AVENUE, N.W

Tenants/Appellees/Cross-Appellants

**ORDER ON CONSENT MOTION TO EXTEND TIME TO FILE BRIEFS IN
SUPPORT OF APPEALS**

February 8, 2008

YOUNG, CHAIRPERSON. The Office of the Rent Administrator issued the decision and order on March 2, 2007. On March 7, 2007, the Housing Provider filed a notice of appeal, and on March 30, 2007, the Tenants filed a notice of appeal. On January 29, 2008, the Commission issued to the parties the notice of its scheduled hearing on March 25, 2008. The deadline for the Housing Provider and Tenants appeal briefs expired on February 6, 2008. However, five (5) days before that date, on February 1, 2008, the Tenants filed the instant consent motion for extension of time to file briefs out of time, because the size of the record prevented both parties from preparing comprehensive appeal briefs. Therefore, the Tenants requested the new deadline of February 25, 2008 for the filing of briefs.

A. The Law on Continuances

The Commission's rules provide: "Parties may file briefs in support of their position within five (5) days of receipt of notification that the record in the matter has

been certified,” 14 DCMR § 3802.7 (2004). “Parties may file responsive briefs within ten (10) days of service of the pleading to which the response is being filed,” 14 DCMR § 3802.8 (2004). “There shall be no reply to a responsive brief and the Commission shall not accept the brief if submitted,” 14 DCMR § 3802.9 (2004). In addition:

Any party may move to request a continuance of any scheduled hearing or for extension of time to file a pleading, other than a notice of appeal, or leave to amend a pleading if the motion is served on opposing parties and the Commission at least five (5) days before the hearing or the due date; however, in the event of extraordinary circumstances, the time limit may be shortened by the Commission.

14 DCMR § 3815.1 (2004).

Motions shall set forth good cause for the relief requested.

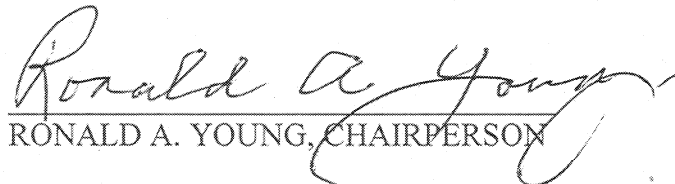
14 DCMR § 3815.2 (2004).

B. The Analysis

In the instant appeal, the motion to file briefs out of time was timely submitted before the Commission’s hearing and five business days before the briefs were due on February 6, 2008. Both parties agreed to the motion for extension of time to file the briefs. The extension of time to file briefs does not delay the Commission’s hearing scheduled for March 25, 2008. There are no record facts that show prejudice to either party. The parties consent motion showed good cause for the extension of time to file briefs out of time based on the size of the record and long history of the case.

Accordingly, the motion is Granted.

SO ORDERED.


RONALD A. YOUNG, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the **Order on Consent Motion to Extend Time to File Briefs in Support of Appeal** in CI 20,794 was served by priority mail, with delivery confirmation, postage prepaid, this 8th day of **February**, 2008, to:

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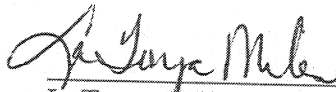
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